

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
September 8, 1996**

Council Present: Barry Laughlin, Frank Ettawageshik, Patti Dyer-Deckrow, George Anthony, Janet Shomin, Alice Yellowbank

Council Absent: Shirley Oldman

Staff: Michelle Chingwa, Susan Keller

Guests: Elli & Wes Andrews, Chris Shomin, Cheryl Bosanic

Called to Order: Meeting was called to order at 10:43 a.m.

Shirley Oldman called the LTBB office at 10:40 a.m. to report she would be an hour late.

Opening Ceremony: Opening ceremony was conducted by Wes Andrews.

Agenda:

Tribal Chairman's report was moved from item 12 to #6, after the approval of bills. Items covered were Litigation support, Closed Session - Gaming Regulatory Commission, and Nagwanatik.

Chairman Ettawageshik stated the only action needing to be taken at this Council meeting was a Litigation Support Resolution.

Motion was made by **Barry Laughlin** and was **Seconded** by **George Anthony** to adopt modified agenda.

Vote: 6 YES

0 NO

0 ABSTAINED

Motion Carried

A report needs to be submitted to NRC notifying them of the additional positions needed for the NRC per Gerry Parrish's recommendations to Michelle Chingwa.

The budget will have to be approved once it is finalized. Michelle Chingwa had to insert Gerry Parrish's recommendations. She also needed to find out if the Indirect cost rate for health was included in the 638 budget to assure that the total indirect was OK.

Purchase of Real Estate Property

The office building purchase counter offer was sent to John Oleke, owner. He then countered the LTBB offer with Addendum A in regards to a driveway easement. Frank needs to review this with Marianna Shulstead and will then have Jim Bransky draw up the agreement. Purchase amount that was offered was \$105,000.00.

George Anthony had a question about putting this land into trust. When a new administration building is constructed then the land may not be able to be sold. He was informed that the land would be used by LTBB as rental. He also questioned if by our borrowing this amount would it interfere with any other loans for construction of a new building. Chairman Ettawageshik stated that this would use up some of our loan value, but we could still borrow enough money to construct a new building.

Washington D.C.

Frank & Arlene attended meetings regarding IHS. The first day in Washington they visited NIGC and reviewed the Management Agreement. LTBB's Environmental Assessment is number one on the waiting list to be reviewed. The Secretary of Interior is due to start reviewing this beginning week of 9-25-96. A two week turn around time is expected on Environmental Assessments. We can expect ours to be approximately completed in early December. Our Management Agreement may possibly be completed some time between December and early January.

The second day in Washington was spent at the IHS meeting.

ITC Meeting

Susan is checking to confirm that this is a full board meeting on both days. If it is a full board meeting the attendees will be Frank, Michelle, Susan, Alice, & George. Susan will send out the agenda for this meeting to all attendees as soon as she receives it into the office.

Judgment Fund

Sault Tribe & Bay Mills sued to come up with a plan to disperse funds. Whatever portion is due to come to them that they will do a 65/35 split between them. They also are claiming that all of the Upper Peninsula is theirs.

There will be a meeting conducted on September 25, 1996 with the BIA regarding the Judgment Fund Issue. Bay Mills is trying to coordinate a meeting between the Chairman's involved to try to reach some common ground between the tribes regarding the Judgment Fund.

Guests Arrive: Bob Yellowbank arrived at 11:30 a.m.

Litigation Support - Resolution #09089601

Chairman Ettawageshik discussed the need of a resolution for Litigation Support. Originally an amount of \$90,000.00 was requested from the BIA for boundary and land issues. The BIA approved \$40,000.00. Council needs a resolution when seeking the additional \$60,000.00 originally requested.

Motion was made by **Barry Laughlin** and was **Seconded** by **Janet Shomin** to support submission of Litigation Support Request, **Resolution #09089601** to the Bureau of Indian Affairs for additional funds.

Vote: 6 YES

0 NO

0 ABSTAINED

Motion Carried

Recess: Recess was called at 11:39 a.m. Meeting called back to order at 12:41 p.m.

Council Arrives: Shirley arrived at (done in closed session minutes).

At this point in the meeting Chairman Ettawageshik turned the meeting over to Vice-Chairperson, Shirley Oldman.

Council Departs: Chairman Ettawageshik departed meeting at 12:40 p.m. because of illness.

Bills:

Bills were reviewed.

George Anthony had a question regarding phone calls made to and from his mobile phone regarding the Constitutional Regional Meetings in and out of town. George questioned whether this should be submitted for reimbursement. Patti Dyer-Deckrow requested a copy of the documentation for the bill of \$7,000.00 from Dorsey & Whitney for legal work that is in the accountant's report. A copy of this documentation should also be forwarded to Alice Yellowbank, Janet Shomin, and Shirley Oldman.

Barry Laughlin had a question on the accountant's memorandum and the statement that a voucher was attached. He did not see a voucher attached and it was explained to him that it is the same voucher that Council currently uses.

The attendees for the Parliamentary Procedures training in Traverse City are Alice Yellowbank, George Anthony, Janet Shomin, Frank Ettawageshik, and Susan Keller. Alice requested agenda and information

regarding the Parliamentary Procedures training in Traverse City, as well as submitted a request for per diem and room reservations.

Travel arrangements and per diem were discussed. Susan will come up with a draft procedure for how travel arrangements and per diem requests will be handled and submit to Council for review at the next meeting. A discussion was held by Council regarding the accountant's request to have Marcia Sutton as an additional check signer, (memo attached).

Council came to the decision that there were currently two check request policies that have been proposed by the accountant at the same time and they would like to see if the first policy, that of a deadline date for check request be Friday, would eliminate the need for an additional check signer. If the policy does not adequately relieve the problem of having to seek check signers, the request for an additional check signer will be revisited.

Motion was made by **Janet Shomin** and was **Seconded** by **Barry Laughlin** to pay the bills as presented, but request the documentation of the legal work for Dorsey & Whitney.

Vote: 5 YES 0 NO Patti Dyer-Deckrow (1) ABSTAINED **Motion Carried**

Motion was made by **Patti Dyer-Deckrow** and was **Seconded** by **George Anthony** to accept the accountants check request policy.

Vote: 6 YES 0 NO 0 ABSTAINED **Motion Carried**

Guests Arrive: Jerry Chingwa arrived at 1:08 p.m.

NAGPRA

Wes Andrews informed Council on the Holy Childhood Property and the owner's wish to expand it. He explained that the number of parishioners have increased, the structure is unsound. The Restoration & Renovation Committee for the church are looking at expanding the building. Wes indicated that through his research, he estimates about 326 Natives are probably buried in this cemetery. He told Council that the graves location and number can also be doubled when Wes looked at the death records for every adult there were 2.5 children per that adult. He figured that children's graves may not be able to be detected because of their bones being small.

He had equipment brought in, that through borings into the earth, produced bone and wood fragments. In this boring, ceramics were also found. These ceramics have indicated the possibility that this area could have been used for burial purposes before the time that the church was constructed. Also found were chips of flint used for tool making. He has shared this information with Nagwanatik and their recommendation was that those are items associated with graves. Nagwanatik also felt that we should return these borings back into the ground because by law those are things that belong to the property owner. Also, if we tried to keep them out for collections, or proof of the investigation that has been done, it is out of character with what Native Americans believe to be the proper etiquette regarding native cemeteries and graves.

Wes also discussed three graves that were found when the road in front of the church was being constructed. These graves were removed and possibly put into a mass grave. Some mounds may be older than the church which would once again possibly indicated that prior to the church being constructed this may have been used for a burial site.

Harbor Springs would like to have the graves moved in order to do renovations on the church. Wes doesn't think that this is very feasible for them to do because of the fact that there would be a lot of disturbance to the ground because of construction, the building of the church, and the graves being taken out. Serious consideration has to be given when and if the graves were to be moved. To preserve the culture of each grave there are many objects such as beadwork, children, pots, & jewelry. He feels that the only way you are going to find everything is to sift the soil by hand. To sift the soil you would have

to use very fine screens. Workers could not use a back hoe to move these people because of the delicacies of the contents of each individual grave.

Wes will be attending a meeting on Monday, September 9th, to discuss his findings with the committee for the church and to indicate to them that if they would like the graves moved, then the entire area would have to be excavated by hand.

There are a large number of trees that have massive roots. Wes feels by going down four to five feet would hinder the strength of the trees and so they would have to be removed. The overall estimated cost to complete this project would be \$250,000.00 to \$300,000.00 dollars. Wes handed out copies of the NAGPRA Act. The NAGPRA act will directly apply to this situation. Wes gave copies of the sections that will be relevant to this situation, and what the tribe will have to do. He is compiling a report to go to the church and to the Council members.

Wes will drop this report off on Saturday in order for it to be distributed to Council members.

Members of the Renovation and Restoration Committee for Holy Childhood are: Richard Perrault, mario Cominski, Tom Bailey, Father Frank, Bidstip & Young engineer, Robert Shagnoby, Joe Kishogo. The meeting will be held at 6:30 meeting. Barry Laughlin will attend this meeting to gauge the reaction by this committee to Wes's report.

Wes's recommendation to the Committee is that the Diocese take a very serious look at NAGPRA and encourage the Committee to start talking with the Tribal Council directly.

Discussion was held on whether or not the Committee could go ahead with their plans without consideration of the NAGPRA laws. Wes informed Council that they cannot do this and that the BIA are the persons who issue the permits. Also, Nagwanatik's recommendation is that the graves should not be moved.

Shirley Oldman questioned Wes on what he requests from Tribal Council. Wes stated that Nagwanatik stated that the boring contents should be put back into the ground. Also, a discussion was held on whether or not the pieces of artifacts found should be photographed for evidence. Shirley feels that we should not be disturbing the graves anymore than what we have already done. Patti supports the suggestion of completing sketches on the artifacts before putting them back in the ground, is acceptable.

Motion was made by **Barry Laughlin** and was **Seconded** by **Janet Shomin** to support Nagwanatik's recommendation to return the pieces of artifacts back into the ground.

Vote: 6 YES 0 NO 0 ABSTAINED **Motion Carried**

Motion was made by **Patti Dyer-Deckrow** and was **Seconded** by **Alice Yellowbank** to have visual representation completed by Nagwanatik on artifact boring findings.

Vote: 5 YES Barry Laughlin NO 0 ABSTAINED **Motion Carried**

Wes requested information from Council regarding their standing on this issue for his report. Nagwanatik and Tribal Council could offer the support for the meeting. Council felt that they would like to have another representatives on the committee other a than just a tribal member.

Shirley Oldman wanted to know at what point would legal representation would come into play. Wes suggested that we could send information to Michigan Indian Legal Services or Marianna Shulstead now.

Janet Shomin feels that Wes and Eli can speak logically and give good representation and feel that they are the experts in this area. She is very comfortable with Wes and Eli and their work completed thus far. Barry Laughlin feels that the Council has to be careful to not put Eli & Wes in a conflict of interest position between the tribe and the church.

Shirley Oldman questioned whether or not a precedent was set regarding the Good Hart cemetery and it was decided that there was not a precedent set. Shirley also felt that Council should issue an invitation to the Renovation and Restoration Committee to attend one of our Council meetings for discussion of this issue.

Wes felt this was a good idea and believes that this committee should be dealing directly with the tribe from this point on.

Shirley Oldman requested that if there were any additional studies going to be done in this area, she would like Council to be informed of these additional studies.

Wes stated that the original deed was signed over by Chief Alexander Nissawaquaat to Bishop Leferve of the Detroit Catholic Church. Wes stated the chief's authority to do this is doubtful. Chief Alexander Nissawaquaat originally purchased this property with money given to him by band members. This money was given by the band members in order for Chief Nissawaquaat to purchase land on their behalf, and the land was then to be held in common. One of these parcels of land that Chief Nissawaquaat purchased was the church property.

Elli also spoke of Indian cemeteries being listed as Archeological sites. This has given permission to archeologists to go in and dig up any graves that they might wish to. George Anthony informed Wes that he has the articles pertaining to the court selling the Holy Childhood Property to the Detroit Catholic Church and will give this to him for his review.

Motion was made by **Janet Shomin** and was **Seconded** by **Barry Laughlin** to accept Wes & Elli Andrews verbal and written report on the Holy Childhood Church Cemetery.

Vote: 6 YES 0 NO 0 ABSTAINED **Motion Carried**

Minutes of July 21, August 4, & August 25, 1996

The minutes of July 21, 1996, August 4, 1996, and August 25, 1996 were reviewed and corrected.

Recess: A recess was called at 2:45 p.m. Meeting was called back to order at 3:52 p.m.

Council resumed correcting the minutes listed above.

Motion was made by **Janet Shomin** and was **Seconded** by **George Anthony** to accept minutes with corrections.

Vote: 6 YES 0 NO 0 ABSTAINED **Motion Carried**

Public Comment: Public comment opened at 3:26 p.m. Shirley Oldman reported that she has now become a grandma with the addition of Maria Margaret, daughter of Jason, who weighed 6lbs, 3 oz. Arlene Naganashe reported that a tribal member, Millie Shomin called to report that she had filled out a survey and made a lot of comments on the survey and never received any feedback from Council. Council informed Arlene that there are a lot of surveys that they do not see. Discussion was held on surveys and the way information is submitted to Council. It was stated that there needs to be other avenues for Tribal Members to get their concerns to Tribal Council. Patti questioned Michelle on the member that attended the Petoskey Constitution meeting on 8-24-96 and his request to have some assistance with getting his name to Indian Health Service. Susan will review the transcripts from this meeting and see if she can come up with a name for Arlene. It was also requested by Council that the newsletter should contain Tribal Council meeting dates and times.

Public Comment: Public comment period ended at 3:35 p.m.

Tribal Administrators Report

Michelle spoke of the Program Management Training that is going to be conducted on site for employees. This is a training that Chairman Ettawageshik and Michelle Chingwa have been trying to obtain for LTBB staff. There will be 16 staff from LTBB who will attend this training. A total of six credit hours will be gained from Bay Mills community College by each staff member who completes this training. The cost is virtually nil except for staff members who are not LTBB members, who are non-Indian because they do not receive tuition waivers. There are only two staff who don't meet the listed criteria and these staff would receive the training for free, or if the six credits were desired they could receive the training at a lesser charge.

Scholarships:

Michelle commented on the work the Enrollment staff did on the Scholarships. They did a tremendous job of notifying schools, staff, and setting up an organized binder of the hard copies of information for Michelle.

Government Discounted Airfares

Government discounted airfares with American Express was discussed. Option II is the plan that would best suit LTBB. American Express would require half of our expected travel costs to be banked with them. They would then deduct for air fare and motel only. For Little Traverse Bay Bands this would mean an amount of \$25,000.00. When we have depleted this amount to a certain amount the band would then have to redeposit money back into the American Express account. Michelle stated that each employee would receive a card for motel and air fare.

Motion was made by **Alice Yellowbank** and was **Seconded** by **Janet Shomin** in support of American Express deposit of up to \$25,000.00 for discounted airfares.

Vote: 6 YES 0 NO 0 ABSTAINED **Motion Carried**

Wage Grid:

Michelle submitted a revised copy of the wage grid. This wage grid and job classifications replace the one that Council received by fax previous to this meeting. Patti wanted to know what education requirements there are for these positions. She believes that a reward by way of wages should be given to those that are going onto higher education.

Barry Laughlin felt that there was not comparable wages between a Secretary I position and the Executive Assistant Position. Shirley Oldman felt that the Executive Assistant Position was comparable to an office manager position.

Motion was made by **Patti Dyer-Deckrow** and was **Seconded** by **George Anthony** to table the Wage Grid for further discussion until the next meeting.

Vote: 2 YES Alice Yellowbank,, Shirley Oldman, Janet Shomin, Barry Laughlin (4) NO
0 ABSTAINED **Motion Fails**

Further discussion was held regarding the wage grid and the amounts listed. Much discussion was held on the biologist's starting wage.

Motion was made by **Barry Laughlin** and was **Seconded** by **Janet Shomin** to accept the current wage grid with revisions to the Executive Assistant and Biologist starting wage decreased to \$30,000.00, and send job classifications back for rework and re-submission to Council.

Vote: 3 YES 3 NO 0 ABSTAINED **Motion Fails**

A discussion was held on biologist's wages. Alice felt that the biologist position constituted a salary of \$35,000.00 because of the range of work and the possible degree that might be involved.

Motion was made by **Barry Laughlin** and was **Seconded** by **Janet Shomin** to accept wage grid as is with the exception that the Executive Assistant would be moved to a position on the grid comparable to office manager wage, and that job classifications be reviewed and submitted back to council for review.
Vote: 4 YES George Anthony & Patti Dyer-Deckrow (2) NO 0 ABSTAINED **Motion Carried**

Comments: Patti Dyer-Deckrow felt that you cannot vote on the wage grid ahead of time before the adjustments are made. George Anthony felt that you could not vote twice on an issue when the previous vote resulted in a stalemate.

Motion was made by **Janet Shomin** and was **Seconded** by **Alice Yellowbank** to accept Tribal Administrator's verbal and written report.
Vote: 6 YES 0 NO 0 ABSTAINED **Motion Carried**

Council Departs: Janet Shomin departed at 5:11 p.m.

Guests Depart: Chris Shomin & Cheryl Bosanic departed at 5:11 p.m.

Personnel Policies:

Personnel policies were again reviewed. Again it was stated that Council would work on these as much as time would allow at each Council meeting until they are completed.

Commissions Procedure

Motion was made by **Barry Laughlin** and was **Seconded** by **Alice Yellowbank** to table the Commissions Procedures.
Vote: 5 YES 0 NO 0 ABSTAINED **Motion Carried**

Personnel Policies

Motion was made by **Barry Laughlin** and was **Seconded** by **Alice Yellowbank** to table the Personnel Policies.
Vote: 5 YES 0 NO 0 ABSTAINED **Motion Carried**

Organizational Chart

The organizational chart was briefly discussed. There are many areas on the organization chart that need to be revised. Shirley Oldman would like an Organizational Chart completed on what we have in operation at this point in time.

ITC Administrative Shares

Arlene gave a report on ITC Administrative Shares.

Economic Development Statute

Motion was made by **Barry Laughlin** and was **Seconded** by **Alice Yellowbank** to table the Economic Development Statute.
Vote: 5 YES 0 NO 0 ABSTAINED **Motion Carried**

Organizational Chart:

Motion was made by **Barry Laughlin** and was **Seconded** by **Alice Yellowbank** to table the Organizational Chart.
Vote: 5 YES 0 NO 0 ABSTAINED **Motion Carried**

Tribal Administrator Employee Evaluation

Motion was made by **Alice Yellowbank** and was **Seconded** by **George Anthony** to table the employee evaluation of the Tribal Administrator.

Vote: 5 YES 0 NO 0 ABSTAINED **Motion Carried**

Council Departs: Patti Dyer-Deckrow left at 5:30 p.m.

Motion was made by **George Anthony** and was **Seconded** by **Alice Yellowbank** to instruct Chairman Ettawageshik to excuse Susan from the Parliamentary Procedures Training so that the Constitution reworking gets completed and sent out to committee members on time.

Vote: 4 YES 0 NO 0 ABSTAINED **Motion Carried**

Committee Reports

Motion was made by **Barry Laughlin** and was **Seconded** by **George Anthony** to table Personnel, Gaming Administration, Blackbird Museum, Pow Wow, Scholarship committee, and Logo Contest Committee reports.

Vote: 4 YES 0 NO 0 ABSTAINED **Motion Carried**

Constitution

Approval for mileage for person attending constitution meeting on September 19 was discussed. Susan gave a brief report on the constitution and the schedule for correcting this and getting it back to the Constitution Committee.

Motion was made by **Barry Laughlin** and was **Seconded** by **George Anthony** to accept the verbal Constitution report.

Vote: 4 YES 0 NO 0 ABSTAINED **Motion Carried**

NRC

George reported that he needs replacements on the NRC Commission. He was given names of possible people who might want to sit on this committee.

Motion was made by **Barry Laughlin** and was **Seconded** by **Alice Yellowbank** to accept George Anthony's verbal NRC report.

Vote: 4 YES 0 NO 0 ABSTAINED **Motion Carried**

NEWSLETTER

Susan gave a brief report on the September newsletter.

Motion was made by **Barry Laughlin** and was **Seconded** by **Alice Yellowbank** to accept the verbal newsletter report.

Vote: 4 YES 0 NO 0 ABSTAINED **Motion Carried**

Public Comment: Public comment period opened at 6:27 p.m. There was no public comment issued. Public comment closed at 6:27 p.m.

Susan's comp time was discussed. She was instructed by Council that there will never be a good time to take the comp time, so should schedule it and use it.

A sign in sheet for Council meetings regarding guests, staff, and Council was discussed. Council would like this sheet prepared for the next Council meeting for people to sign in and out when they arrive or depart. Susan will have one completed for the next meeting.

Barry Laughlin made a note to speak with Mary Lou Rasch regarding the phone poll that she conducted on a resolution.

Motion was made by **George Anthony** and was **Seconded** by **Alice Yellowbank** to adjourn the meeting at 6:35 p.m.

Vote: 4 YES

0 NO

0 ABSTAINED

Motion Carried

These minutes have been read and approved as written:

Barry Laughlin, Tribal Council Secretary

Date